

EPA Region 6/FWS-Lafayette/LDEQ Conference Call: Eastern LMRAP (eLMRAP) DO Criteria

May 15, 2019

Attendees: Mike Schaub (EPA), Russell Nelson (EPA), Amy Trahan (FWS), Monica Sikes (FWS), Amanda Vincent (LDEQ), Jonathan McFarland (LDEQ)

Call Summary Outline

- EPA R6 introduced topic of discussion
 - Feb. 2019 Court Order vacated EPA's 2016 approval of LDEQ's seasonal criteria revision (2.3mg/L; applicable March-November) for subsegments in eLMRAP; previously applicable criteria (4mg/L estuarine; 5mg/L freshwaters) now apply.
 - EPA must approve/disapprove LDEQ's previously proposed revision, or state may choose to propose new criterion; approval will require informal and/or formal consultation with FWS.
 - LDEQ indicated that it intends to proceed with the previously approved seasonal criterion.
- FWS indicated that new seasonal DO criterion (2.3mg/L) is too low for protection of any freshwater mussel species.
 - Alabama study (Jeff Powell) indicated that DO levels below 4mg/L may not be adequate for fish species that serve as hosts for molluscan larvae (glochidia).
 - Host species impacts may affect ability of glochidia to attach/drop off in favorable habitat or at favorable times (due to fish avoidance of low DO areas).
 - FWS referenced Tulane Environmental Law Center document, previously provided to EPA, as having information useful to EPA's analysis.
 - FWS will need evidence that:
 - DO criterion represents natural DO conditions that exist, or are better than those DO conditions that exist, in those portions of the Amite River where the heelsplitter currently resides (will require analysis of DO conditions in Amite River - data would need to be provided by LDEQ).
 - DO condition is adequately protective of critical life stages of the heelsplitter
- FWS referenced potential impacts to Gulf sturgeon based on impacts to benthic food sources (reference: previously completed Lake Pontchartrain biological evaluation).
 - Direct effects perhaps less important than prey base effects (?)
- FWS will evaluate the criterion (2.3mg/L) as a 'constant condition'
 - EPA indicated that this criterion was established as a minimum criterion, not a long-term average condition
 - EPA/LDEQ will provide additional information regarding derivation of criterion and how it is applied.

- Follow-up:
 - FWS will provide to EPA additional references cited during meeting
 - EPA will provide original criteria revision proposal (UAA) to FWS
 - FWS will schedule call with EPA to meet with FWS mussel expert (Jennifer) in near future
 - EPA and LDEQ staff will discuss issue further and schedule follow-up call(s) with FWS